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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORIO MARTINEZ,

Defendant

) CASE NO. 13-CR-70777

) STIPULATION AND [PROPOSED] ORDER
) CHANGING DATE FOR STATUS HEARING AND
) EXCLUDING TIME FROM JANUARY 9, 2013 TO
) FEBRUARY 11, 2014

The defendant, Gregorio Martinez, represented by Geoffrey Hansen, Esquire, and the government, represented by Adam Wright, Assistant United States Attorney, appeared before the Court on November 20, 2013 for a status hearing on this matter. At that time, the parties represented that they were in the process of reviewing discovery and discussing a potential resolution of the matter. At the request of the parties, the Court set a status hearing for December 12, 2013 and, subsequently, to January 9, 2014, while excluding time under the Speedy Trial Act and Criminal Rule of Procedure 5.1.

The parties respectfully request that the date of the status hearing be moved to February 11, 2014. As a basis for this request, the parties represent that they are in the process of reviewing discovery and discussing a potential resolution in this matter. The parties request that the time be

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1 excluded for an indictment or preliminary hearing under Federal Rule of Criminal Procedure 5.1
2 between January 9, 2014 and February 11, 2014, while taking into account the public's interest in the
3 prompt disposition of criminal cases. The parties further request that the time be excluded under the
4 Speedy Trial Act between January 9, 2014 and February 11, 2014, for the purpose of effective
5 preparation of counsel, taking into account due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

6 SO STIPULATED:

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8 MELINDA HAAG
9 United States Attorney

10 DATED: January 6, 2013

11 /s/
12 ADAM WRIGHT
13 Assistant United States Attorney

14 DATED: January 6, 2013

15 /s/
16 GEOFFREY HANSEN
17 Attorney for GREGORIO MARTINEZ
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[PROPOSED] ORDER

The Court hereby changes the status hearing scheduled for January 9, 2014 to February 11, 2014. Based upon the representation of counsel and for good cause shown, the Court also finds that failing to exclude the time between January 9, 2014 and February 11, 2014 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between January 9, 2014 and February 11, 2014 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds good cause exists to exclude the time for an indictment or preliminary hearing under Federal Rule of Criminal Procedure 5.1 between January 9, 2014 and February 11, 2014, taking into account the public interest in the prompt disposition in criminal cases. Therefore, IT IS HEREBY ORDERED that the time between January 9, 2014 and February 11, 2014 shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Federal Rule of Criminal Procedure 5.1.

IT IS SO ORDERED.

DATED: Jan 7, 2014


HON. ELIZABETH D. LAPORTE
United States Magistrate Judge